

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**GABRIEL MARTINEZ, #20816-179,** )  
Plaintiff, )  
 )  
v. ) ) **3:07-CV-1715-P**  
 )  
**FEDERAL CORRECTIONAL** )  
**INSTITUTION, et al.,** )  
Defendants. )

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF  
THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions and a recommendation in this case, recommended that Defendants' motion to dismiss be granted in part and denied in part, and that the action be dismissed for failure to exhaust administrative remedies. Thereafter, the court construed Plaintiff's motion to stay/extend time as an objection to the recommendation, and granted both parties twenty days to respond to Plaintiff's contention that Defendants allegedly interfered with his ability exhaust administrative remedies following the incidents at issue in this case, thus rendering administrative remedies unavailable. *See* Order filed on April 29, 2008.

While Defendants filed their response on May 13, 2008, Plaintiff has failed to do so. Plaintiff has also failed to keep the court apprised of his change of address. *See* June 2, 2008 docket entry reflecting that April 29 order was returned as undeliverable, unable to forward.

The District Court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. The objections are overruled; the court ACCEPTS the Findings, Conclusions and Recommendation of the United States Magistrate Judge and GRANTS in part and DENIES in part Defendants' motion to dismiss (Docket #19).

SO ORDERED this 9<sup>th</sup> day of July 2008.



JORGE A. SOLIS

UNITED STATES DISTRICT JUDGE